



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2305543

Applicant Name: Lukas Delan

Address of Proposal: 3039 30th Ave W

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three (3) lots (unit lot subdivision). Proposed lot sizes are: A) 3,134 square feet, B) 1,567 square feet; and C) 1,566 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects: establish use as and construct one two-unit townhouse structure and occupy per plan all under MUP No. 2205115 Permit No. 731485.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into three lots as a unit subdivision.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

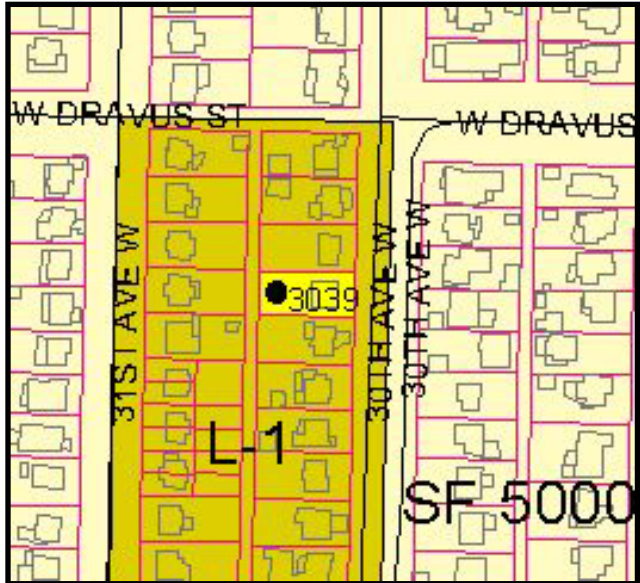
☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 6,264 square foot property is located between W. Barrett and W. Dravus Streets in the Magnolia area of Seattle. Pedestrian access to the site is via 30th Ave. W., which is paved and improved with concrete curbs, gutters, a boulevard planting strip that bisects both roadways of 30th Ave. W. and sidewalks on the east and west sides of the block faces abutting the streets. Vehicle access is provided via a sixteen (16') foot alley which abuts the western property line. Two of the three structures have been reviewed for applicable code compliance, all under MUP No. 2205115 Permit No. 731485. The existing ground related duplex structure on site will remain.



The subject lot is zoned Multi-family Lowrise 1 (L1). In the immediate vicinity to the north, west, and south, surrounding lots are zoned single family (SF-5000). Development in the immediate vicinity consists of one and two-story single-family dwelling units to the north, east and west with small scale multi-family structures in the immediate vicinity to the south, which are all consistent with the Land Use Code.

Proposal

The proposal is to subdivide one parcel into three (3) unit subdivision lots with vehicle access provided via a sixteen (16') foot crushed rock surface alley which abuts the western property line. Vehicle access to the existing ground related duplex structure is not required as no parking was associated with the duplex prior to the subject application. The new two-unit townhouse structure has been reviewed for applicable code compliance under MUP No. 2205115 Permit No. 731485. The two new townhouse units will have parking within the structure. Proposed lot sizes are as indicated in the summary above. Lot A has direct pedestrian access to 30th Ave. W. Lots B and C will have pedestrian access to 30th Ave. W. via a pedestrian access and utility easement on the southern lot line. Lot C will gain access to the said pedestrian easement via a common ingress and egress easement beneficial to both lots B and C located to the rear of the parent lot.

Public Comments

The comment period for this proposal ended on September 9th 2003. During the public comment period, DCLU received one written comment. The comment related to traffic and safety issues arising from the increased density of the area.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Structural Reviewer the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family Lowrise 1 (L-1) use. The allowable density of the subject property is one unit per two (1,600) thousand square feet of lot area. Given a lot area of approximately 6,264 square feet, four (4) units are allowed and four (4) are proposed. Maximum lot coverage is forty-five (45%) percent, in this case thirty-nine (39%) is proposed. Front setbacks are an average of the setbacks of the first principal structures on either side, the maximum required setback is fifteen (15') feet and the minimum is five (5') feet. The minimum side setback is five (5') feet; the actual required setback is based on the height of the facade adjacent to the side property line. Rear setback is twenty (20') feet or twenty (20) percent of the lot depth, in no case less than fifteen (15') feet, in this case it is twenty (20') feet measured from centerline of the sixteen (16') foot alley that abuts the rear property line. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#250314-3-018) to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on July 7th, 2003. There is an eight (8") inch standard water main located in 3rd Ave. N. which serves the site. There is a sanitary sewer that serves the new development located in the adjacent alley. Stormwater runoff discharge from new construction shall be to the existing sidesewer in the alley to the east of the site. Plan review requirements were made at time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

3. The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
4. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
5. There were five (5) trees on site as evidenced by the required survey submitted at the time of this application. SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on site trees. The lot size of the proposal requires that at least thirteen caliper (13") inches of trees be planted on site. The tree requirement was reviewed under MUP No. 2205115 Permit No. 731485.
6. One two-unit townhouse structure on the subject site is currently being developed on site. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2205115 Permit No. 731485. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B, and C are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise 1 (L-1) zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision (#250314-3-018).
4. Record easements allowing underground water services to the lots B and C from 30th Ave. W., as required by the Water Availability Certificate (WAC ID No. 2003-0917)
5. Provide an easement on the south lot line of the parent lot, a minimum three (3') feet, beneficial to lots B and C for pedestrian access to 30th Ave. W. The pedestrian easement needs to extend from the front lot line of unit lot A and to the rear property line of the parent lot abutting the alley. Provide an ingress and egress easement for the driveway beneficial to both unit lots B and C, so unit lot C has legal access to the said pedestrian easement.
6. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
7. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
8. Provide an area to allow for the posting of address signage for unit lots B and C at a location visible from 30th Ave. W. and provide a covenant and/or an easement to ensure that address signage can be maintained.

Signature: (signature on file) Date: October 16, 2003
Lucas DeHerrera, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

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